IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUTST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13210 of 2004

Between:

T.Subbarayudu s/o Venkata Subbaiah 2/1231, Chinnachowk, Chalamareddipalli Village Vukkayapalli Post, Kadapa Mandal, Kadapa District

..... PETITIONER

AND

1 The Vice-Chairman &Managing Director Andhra Pradesh State Civil Supplies Corporation Limited Regd. Office: 6-3-655/1/A, C.S. Bhavan, Somajiguda, Hyderabad
2 The District Manager, Andhra Pradesh State Civil Supplies Corporation Limited, Kadapa, Kadapa District
3 The Joint Collector, & Ex-Officio Executive Director Andhra Pradesh State Civil Supplies Corporation Limited, Kadapa, Kadapa district
4 The Mandal Revenue Officer Vontimitta Mandal, Kadapa District
5 The Mandal Revenue Officer Nandlur Mandal , Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus by directing the Respondents herein: a) To permit the petitioner herein to continue as Stage-II Transport Contractor and for Transportation of the essential commodities and Sugar at Stage-II from MLS Point Godown to the Concerned Fair Price Shops under Public Distribution System in Vontimitta and Nandalur Mandals, Kadapa district in pursuance of the Proceedings Ref.B/216/2004, dt. 09/07/2004 issued by the Respondent No.4 herein and the Proceedings Ref.M.R.O's Spl No.20/2004, dt. 13/07/2004 issued by the Respondent No.5 herein respectively; b) To award the costs to the petitioner herein: c) by declaring the action of the Respondent herein for discontinued the petitioner herein without issuance of prior notice, fair and reasonable opportunity and without followed the due process of law, is bad, illegal, irrational illogical , arbitrary, discriminatory, without notice, violative to the Principles of

Natural Justice and violative of Article 14 ,19(1) (g) and 21 of the Constitution of India

Counsel for the Petitioner: MR.A.NAGENDRA RAO

Counsel for the Respondents: MR.M.B.THIMMA REDDY

The Court made the following:

ORDER:

The petitioner seeks a writ of Mandamus directing the respondents to permit him to continue as a Stage-II Transport Contractor and to transport the essential commodities at Stage-II from MLS Point godown to the concerned Fair Price Shops under Public Distribution System in Vontimitta and Nandalur Mandals, Kadapa District.

The petitioner states that he was appointed as a Stage-II Transport Contractor for transportation of the essential commodities from MLS point to the Fair Price Shops in Vontimitta Mandal, Kadapa District, under Public Distribution System as per the proceedings of the Mandal Revenue Officer, Vontimitta Mandal, Kadapa District, as the existing Stage-II Transport Contractor, who was appointed in the month of May, 2004 has not turned up. It is the grievance of the petitioner that while he is carrying on the said contract work, the second respondent having allowed him for some time, directed him orally not to carry on the said contract work from 26.07.2004 onwards.

The contention of the petitioner is that the action of the respondents in terminating his contract without there being any justifiable reason and without affording him any opportunity, is arbitrary and illegal.

On behalf of the 2nd respondent Corporation, a detailed counter affidavit has been filed by the District Manager, A.P. State Civil Supplies Corporation Ltd., Kadapa District, stating that the petitioner was appointed as an adhoc Stage-II Transport Contractor only for a period of three months on the recommendations made by the Mandal Revenue Officer, Kadapa District. After expiry of his adhoc contract period, the Kadapa MLS point was allotted to a group of five Scheduled Caste beneficiaries. It is also stated in the counter affidavit

that the appointment of Stage-II Transport Contractor will be made in two ways i.e., either through tender system or through identified beneficiaries. As far as Vontimitta Mandal is concerned, one Sri B.Srinivasulu, a Self Trained Employment Programme beneficiary, was appointed as a Stage-II Transport Contractor under Beneficiary Scheme. So far as Nandaluru Mandal is concerned, the appointment will be made through calling tenders and it is open to the petitioner to participate in the same. It is also stated that the Mandal Revenue Officer is in no way concerned with the appointment of the Stage-II Transport Contractors.

In the light of the counter affidavit filed by the 2nd respondent-Corporation, I do not find any merit in the contentions raised by the petitioner as he was appointed as Stage-II Transport Contractor only on adhoc basis and therefore the relief as prayed for cannot be granted.

Accordingly, recording the statement of the 2nd respondent-Corporation in its counter affidavit, the writ petition is disposed of making it clear that whenever tenders are invited it is open to the petitioner to participate, in which event the same shall be considered by the respondents in accordance with law. It is also made clear that this shall not preclude the petitioner to seek appointment against any temporary vacancies of Transport Contractors which may also be considered by the respondents in accordance with law. No costs.

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04.08.2004

Note: Furnish CC in two days.

(B/O)

VGB

To

1.The Vice-Chairman &Managing Director Andhra Pradesh State Civil Supplies Corporation Limited Regd. Office: 6-3-655/1/A, C.S. Bhavan, Somajiguda, Hyderabad
2.The District Manager, Andhra Pradesh State Civil Supplies Corporation Limited, Kadapa, Kadapa District
3.The Joint Collector, & Ex-Officio Executive Director Andhra Pradesh State Civil Supplies Corporation Limited, Kadapa, Kadapa district

4.The Mandal Revenue Officer, Vontimitta Mandal, Kadapa District
5.The Mandal Revenue Officer, Nandlur Mandal , Kadapa District

6.2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)

7.2CD copies